

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q76655

Daisuke SUZUKI, et al.

Appln. No.: 10/623,568

Group Art Unit: 2629

Confirmation No.: 6560

Examiner: Seokyun MOON

Filed: July 22, 2003

For: INPUTTING DEVICE AND MOBILE TERMINAL

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

**Table of Contents**

I. REAL PARTY IN INTEREST.....	2
II. RELATED APPEALS AND INTERFERENCES .....	3
III. STATUS OF CLAIMS.....	4
IV. STATUS OF AMENDMENTS.....	5
V. SUMMARY OF THE CLAIMED SUBJECT MATTER .....	6
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL .....	9
VII. ARGUMENT.....	10
CLAIMS APPENDIX .....	16
EVIDENCE APPENDIX .....	30
RELATED PROCEEDINGS APPENDIX.....	31

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**I. REAL PARTY IN INTEREST**

The real party in interest is NEC Corporation, the assignee of the present application.

The assignment was recorded on July 22, 2003, at Reel 014324, Frame 0916.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**II. RELATED APPEALS AND INTERFERENCES**

Upon information and belief, there are no other prior or pending appeals, interferences or judicial proceedings known to Appellants' Representative or the Assignee that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**III. STATUS OF CLAIMS**

Claims 1-49 are pending in the present application. Claims 1, 9/1, 10/9/1, 12/1, 18/1, 19/1, 20/1, 21/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 stand finally rejected and are the subject of this Appeal. Claims 5-8, 9/5, 11/5-21/5, 30-39 and 40/30-49/30 are allowed and claims 11/1, 13/1-16/1, 23/22, 25/22, 26/22, 28/22, 42/22 and 44/22 are objected to but would be allowed if rewritten in independent form.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**IV. STATUS OF AMENDMENTS**

Prior to the Final Office Action issued December 27, 2007, Appellants submitted an Amendment Under 37 C.F.R. § 1.111 on October 9, 2007. That Amendment was entered as a matter of right. Accordingly, there are no outstanding, non-entered amendments of the claims.

**V. SUMMARY OF THE CLAIMED SUBJECT MATTER**

The present invention relates to an inputting device which provides an operating key that is moved almost parallel and perpendicular to the surface of the cabinet housing the operating key. (*Specification*, p. 1, lines 5-8).

The concise description of the claimed subject matter of the present invention is set forth below with regard to each of the respective independent claims 1, 5, 22 and 30. Each of the following discussions include reference to various portions of the present application to aid in the understanding of the invention. However, such reference, unless otherwise indicated, is intended to point out the described exemplary embodiment; it is not intended to limit the scope of the claims to only the express embodiment cited below.

**Claim 1**

Independent claim 1 recites an inputting device (*see FIG. 1*), which is disposed in an opening 10 of a cabinet surface, the inputting device comprising an elastic sheet 3 having an outside surface disposed on an inside surface of said cabinet including said opening 10 and across said opening 10. (*Specification*, p. 15, lines 15-29) The inputting device further includes a sliding key 1 that is fixed on the outside surface of said elastic sheet 3 with at least a portion in said opening 10 of said cabinet surface. (*See FIG. 1; Specification*, p. 15, lines 15-16). The inputting device has sensors 7 that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface, of said sliding key 1. (*Specification*, p. 16, lines 6-14; FIG. 1).

**Claim 5**

Independent claim 5 recites an inputting device, which is disposed in an opening 10 of a cabinet surface. (FIG. 12; *Specification*, p. 26, lines 4-10). The inputting device also includes an elastic sheet 3 having an outside surface disposed on an inside surface of said cabinet including said opening 10. (FIG. 12, *Specification*, p. 26, lines 9-10). Also included is a surrounding key 20 comprising a ring shape larger than said opening 10 that is fixed on an outside surface of said elastic sheet 3. (*Specification*, p. 26, lines -20; FIG. 12). Further, a sliding key 1 is fixed on the outside surface of said elastic sheet 3 with at least a portion in said opening 10 of said cabinet surface. (*Specification*, p. 26, lines 7-10; FIG. 12). The inputting device also includes sensors 7 that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface of said sliding key 1. (*Specification*, p. 16, lines 6-14; FIG. 12). Finally, the inputting device includes switches 5y, 5z that detect the movement in a vertical direction of said surrounding key 20. (*Specification*, p. 26, lines 21-30; FIG. 12).

**Claim 22**

Independent claim 22 recites a mobile terminal 60 comprising a cabinet surface having an opening (see FIG. 22) and an elastic sheet 603 having an outside surface disposed on an inside surface of said cabinet including said opening and across said opening. (*Specification*, p. 35, lines 10-30; FIGS. 21 & 22). The mobile terminal also includes a sliding key 601 that is fixed on the outside surface of said elastic sheet 603 with at least a portion in said opening of said cabinet surface; (*Specification*, p. 35, lines 18-23; FIG. 22). Also included are sensors 607 that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface of

said sliding key 601. (*Specification*, p. 36, lines 8-11; FIG. 22). Finally, the mobile terminal includes a displaying means 61 that displays information and a first controlling means 610 that executes first control corresponding to at least the moved direction of said sliding key 601 in said horizontal direction as detected by said sensors 607. (*Specification*, p. 35, lines 3-5 and p. 36, line 29 through p. 37, line 1; FIG. 22).

### **Claim 30**

Independent claim 30 recites a mobile terminal, comprising a cabinet surface having an opening (see FIG. 20) and an elastic sheet 503 having an outside surface disposed on an inside surface of said cabinet including said opening. (*Specification*, p. 33, lines 7-14; FIGS. 19 & 20). The mobile terminal also includes a surrounding key 520 comprising a ring shape large than said opening that is fixed on an inside surface of said elastic sheet 503 and a sliding key 501 that is fixed on the outside surface of said elastic sheet 503 within at least a portion in said opening of said cabinet surface. (*Specification*, p. 33, lines 7-14; FIGS. 19 & 20). Also included are sensors 507 that at least detect movement in a horizontal direction substantially parallel to said cabinet surface. (*Specification*, p. 33, lines 20-25; FIG. 20). Finally, the mobile terminal includes a displaying means 41 that displays information (*Specification*, p. 32, lines 22-25; FIG. 18); a first controlling means 509 that executes a first control corresponding to at least the horizontal movement of said sliding key 501; and a second controlling means 508 that executes a second control corresponding to the pushed direction of one of the edge parts of said surrounding key 520. (*Specification*, p. 33, lines 22-25; FIG. 20).

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

- (1) Claim 1 is rejected under § 102(b) as being anticipated by Ikehara (US 6,400,353).
- (2) Claims 12/1, 19/1 and 21/1 stand rejected under §103(a) as being unpatentable over Ikehara.
- (3) Claims 9/1, 10/9/1, 18/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 stand rejected under § 103(a) as being unpatentable over Ikehara in view of Takatsuka (US 2004/0080491).

**VII. ARGUMENT**

Appellants respectfully request reconsideration of the present claim rejections in view of the comments presented below.

**(1) Whether claim 1 is patentable under § 102(b) as being anticipated by Ikehara (US 6,400,353).**

Claim 1 is rejected under § 102(b) as being anticipated by Ikehara (US 6,400,353).

Appellants traverse this rejection as follows.

Claim 1 recites, *inter alia*, a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface.

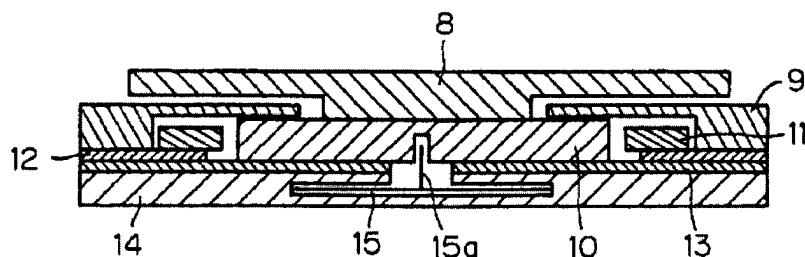
Essentially, Appellants submit the Examiner's reliance on coupling pin 15a as corresponding to a part of the recited sliding key is improper because this component does not have a portion in an opening of a cabinet surface, and thus, fails to meet all the features of claim 1.

In the rejection, the Examiner alleges Ikehara's coupling pin 15a is part of the sliding key. As a basis for this position, the Examiner alleges: (1) the coupling pin is moveable in a horizontal direction; and (2) the courts have held that integrating a plurality of separated parts into a single part is generally recognized as being within the level or ordinary skill in the art. (*Office Action*, pp. 2-3; *citing* Larson, 144 USPQ 347, 349 (CCPA 1965)). However, Appellants respectfully disagree because: (1) whether or not the coupling pin 15a is horizontally movable is not relevant to whether it is part of the sliding key; and (2) Larson fails to support the Examiner's

position. Foremost, however, the coupling pin 15a is merely a bent portion of elastic member 15.

The Examiner seems to contend that because the horizontal pin 15a is horizontally movable, it is part of the operating portion 8. However, with reference to FIG. 3 reproduced below, Ikehara clearly discloses that the operation electrode 10 and the coupling pin 15a are detached. While pin 15a may contact the operation electrode 10 when the operating portion 8 is

FIG.3



moved to the left or right, there is no support in Ikehara that these portions are attached. Thus, Appellants submit coupling pin 15a is not part of the operation portion 8.

However, the Examiner alleges the coupling pin 15a is part of the operation electrode 10 because it may move horizontally. Regarding this point, Appellants submit the Examiner's contention that two separate pieces may move in the same direction fails to provide a basis for the Examiner's allegation that they are part of the same piece.

Further, the Examiner attempts to compensate for this deficiency by citing Larson, contending it would be obvious to make separate parts a single part. As an initial point, Appellants note that because this is an anticipation rejection under 35 U.S.C. § 102(b), the use

and reliance on an alleged obvious modification is improper. But Appellants also note that Larson fails to support the Examiner's position. Specifically, in Larson, the court held that a claim reciting "a brake drum integral with said clamping means" was not patentable over Tuttle et al. (US 2,974,970), which disclosed brake discs provided on a sleeve attached to a casing clamp. (*Larson*, 144 USPQ at 349.). These components were rigidly secured together. The premise of the courts holding was that the term "integral" did not distinguish over Tuttle, which showed a disc rigidly secured to the clamping means. Thus, the court held that a one piece construction would be an obvious design choice over a structure composed of constituent parts rigidly secured together. (*Id.*). In this way, Larson only stands for the proposition that if parts are already rigidly secured it is an obvious design choice to make them into a one piece construction.

Because Ikehara discloses a distinct separation between coupling pin 15a and the operation electrode 10, even under an obviousness rejection, Larson would fail to support the Examiner's purported modification of making integral, separate parts. Rather, Larson **only supports making integral, parts that are disclosed as being rigidly secured**. Therefore, Appellants submit that because coupling pin 15a is not a part of Ikehara's operation electrode 10 and operating portion 8, Ikehara fails to disclose that operation electrode 10 and operating portion 8 are fixed to elastic member 15.

Essentially, the Examiner takes the position "since the coupling pin is involved in the sliding movement of the operation electrode 10 and, without the coupling pin 15a, the operation electrode would not function as a sliding key, it would be reasonable to refer a combination of the operation electrode 10 and the coupling pin 15a as a sliding key." (*Advisory Action*, p. 2).

However, Appellants submit the Examiner's position is unreasonable. Clearly, as depicted in FIG. 3 above, the operating portion 8 and operation electrode 10 would function with or without the coupling pin 15a. This coupling pin 15a is merely an extension of the elastic member 15 and functions to engage with the operation electrode 10 so that the operation electrode 10 is "returned to the center position if the user release[s] his or her hands." (col. 5, lines 42 - 50). While the coupling pin 15a aids in returning the operation electrode 10 to the center position, the Examiner's position that "without the coupling pin 15a, the operation electrode would not function as a sliding key," is wholly without merit.

Secondly, only the operation portion 8 and the operation electrode 10 can meet the feature "at least a portion in said opening of said cabinet surface." Further, because neither of these portions are fixed to the elastic sheet, Ikehara fails to disclose "a sliding key that is fixed on the outside surface of said elastic sheet," as recited in claim 1.

In conclusion, Appellants submit Ikehara fails to disclose an elastic sheet or a sliding key fixed to an elastic sheet for the reasons set forth above.

Thus, Appellants submit claim 1 is allowable for at least those reasons set forth above.

**(2) Whether claims 12/1, 19/1 and 21/1 are patentable under §103(a) as being unpatentable over Ikehara.**

Claim 12/1, 19/1 and 21/1 stand rejected under §103(a) as being unpatentable over Ikehara.

In response to this rejection, Appellants submit that because the Examiner's purported modifications of Ikehara in view of alleged obvious design choices fail to compensate for the above noted deficiencies of Ikehara as applied to claim 1 above, claims 12/1, 19/1 and 21/1 are submitted to be allowable, at least by virtue of their dependencies.

**(3) Whether claims 9/1, 10/9/1, 18/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 are patentable under § 103(a) as being unpatentable over Ikehara in view of Takatsuka (US 2004/0080491).**

Claims 9/1, 10/9/1, 18/1, 20/1, 22, 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 stand rejected under § 103(a) as being unpatentable over Ikehara in view of Takatsuka (US 2004/0080491).

In response to this rejection, Appellants submit that because Takatsuka, either taken alone or in combination with Ikehara, fails to compensate for the above noted deficiencies of Ikehara as applied to claim 1, claims 9/1, 10/9/1, 18/1 and 20/1 are allowable, at least by virtue of their dependency.

Regarding independent claim 22, the Examiner references Ikehara as disclosing the recited "elastic sheet having an outside surface disposed in an inside surface of said cabinet" and "a sliding key that is fixed on the outside surface of said elastic sheet." More specifically, the Examiner cross references the application of Ikehara to claim 1 (as described above) to support this position. However, Appellants submit that Ikehara fails to disclose these features for the same reasons set forth above with regard to claim 1. Moreover, Appellants submit that because Takatsuka, either taken alone or in combination with Ikehara, fails to compensate for these

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

deficiencies of Ikehara, claim 22 is allowable because the Takatsuka / Ikehara combination fails to disclose either the “elastic sheet having an outside surface disposed in an inside surface of said cabinet” or the “sliding key that is fixed on the outside surface of said elastic sheet,” as recited in claim 22. Furthermore, Appellants submit claims 24, 27, 29, 40/22, 41/40/22, 43/22 and 45/22-49/22 are allowable, at least by virtue of their dependency.

### **Conclusion**

In view of the remarks set forth above, Appellants request that the present rejections be withdrawn.

Unless the fee required under 37 C.F.R. §41.37(a) and 1.17(c), is submitted via EFS Payment Screen, please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

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Date: July 30, 2008

**CLAIMS APPENDIX**

**CLAIMS 1-49 ON APPEAL:**

1. An inputting device, which is disposed in an opening of a cabinet surface, comprising:
  - an elastic sheet having an outside surface disposed on an inside surface of said cabinet including said opening and across said opening;
  - a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface; and
  - sensors that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface, of said sliding key.
2. An inputting device in accordance with claim 1, wherein:
  - said sliding key has a rim part whose diameter is larger than that of said opening.
3. An inputting device in accordance with claim 2, wherein:
  - said sliding key is adhered to said elastic sheet at said rim part, and
  - a space is formed on a portion of the inside surface of said cabinet at a position adjacent to said opening , and
  - at least a portion of said rim part of said sliding key is disposed in said space.

4. An inputting device in accordance with claim 1, further comprising:

a first control signal generating means that generates a first control signal corresponding to at least the moved direction of said sliding key detected by said sensors, wherein:

    said first control signal executes the change of the position of a subject to be controlled on a display.

5. An inputting device, which is disposed in an opening of a cabinet surface, comprising:

    an elastic sheet having an outside surface disposed on an inside surface of said cabinet including said opening

    a surrounding key comprising a ring shape larger than said opening that is fixed on an outside surface of said elastic sheet;

    a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface;

    sensors that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface of said sliding key; and

    switches that detect the movement in a vertical direction of said surrounding key.

6. An inputting device in accordance with claim 5, wherein:

    said sliding key has a rim part whose diameter is larger than that of said opening.

7. An inputting device in accordance with claim 6, wherein:

said sliding key is adhered to said elastic sheet at said rim part;

a space is formed on a portion of the inside surface of said cabinet; and

at least a portion of said rim part of said sliding key is disposed in said space.

8. An inputting device in accordance with claim 5, further comprising:

a first control signal generating means that generates a first control signal corresponding to at least the moved direction of said sliding key detected by said sensors; and  
a second control signal generating means that generates a second control signal corresponding to the pushed direction of one of the edges of said surrounding key detected by one of said switches; wherein:

said first control signal and said second control signal execute the change of the position of a subject to be controlled on a display.

9. An inputting device in accordance with claim 1 or 5, wherein:

a magnet is disposed in said sliding key, and

said sensors detect the moved direction and the amount of the horizontal movement of said sliding key based on the change of the magnetic flux density from said magnet corresponding to the movement of said sliding key.

10. An inputting device in accordance with claim 9, wherein:

said sliding key provides a concave part on a part of the surface where said sliding key is adhered to said elastic sheet, and

said sliding key is adhered to said elastic sheet by disposing said magnet in said concave part, and

said magnet is sealed in said sliding key.

11. An inputting device in accordance with claim 1 or 5, wherein:

guides being possible to be recognized optically are disposed on designated positions on said elastic sheet, and

said sensors detect the moved direction and the amount of the horizontal movement of said sliding key by reading the movements of said guides optically corresponding to the movement of said sliding key.

12. An inputting device in accordance with claim 1 or 5, wherein:

a coil is disposed in said sliding key, and

said sensors detect the moved direction and the amount of the horizontal movement of said sliding key based on the electromotive force generated by the electromagnetic induction by the movement of said sliding key in the magnetic field of designated power formed at the surrounding part of said coil.

13. An inputting device in accordance with claim 1 or 5, further comprising:

a pushing component, which is made of a material that is harder than said elastic sheet and whose friction factor is smaller than that of said elastic sheet, and which is disposed on the inside surface of said elastic sheet at the position corresponding to said sliding key;

a contact switch disposed adjacent to said pushing component that detects that said sliding key was pushed in a vertical direction that is substantially perpendicular to said cabinet surface; and

a third control signal generating means that generates a third control signal when said pushing component contacts said contact switch ; wherein:

    said third control signal executes the selection or the decision of information indicating by a subject to be controlled on a display.

14. An inputting device in accordance with claim 13, further comprising:  
    an ignoring means that ignores said third control signal, in case that the amount of the movement of said sliding key in said horizontal direction is larger than a predetermined value.

15. An inputting device in accordance with claim 13, further comprising:  
    a printed circuit board on which said contact switch is disposed; and  
    a sheet that covers said printed circuit board and said contact switch.

16. An inputting device in accordance with claim 1 or 5, further comprising:

a bellows portion having a ring shape formed in said elastic sheet outside the position where said sliding key is adhered to said elastic sheet.

17. An inputting device in accordance with claim 1 or 5, further comprising:  
at least one of projections supporting said sliding key on the inside surface of said elastic sheet.

18. An inputting device in accordance with claim 1 or 5, further comprising:  
a concave part formed on the outside surface of said sliding key.

19. An inputting device in accordance with claim 1 or 5, further comprising:  
a nonskid component disposed on the outside surface of said sliding key.

20. An inputting device in accordance with claim 1 or 5, further comprising:  
one or more projections formed on the outside surface of said sliding key.

21. An inputting device in accordance with claim 1 or 5, further comprising:  
a plurality of openings in said cabinet surface; and  
a group of keys formed on the front surface of said elastic sheet and each disposed in a corresponding opening of said plurality of openings.

22. A mobile terminal, comprising:

a cabinet surface having an opening;

an elastic sheet having an outside surface disposed on an inside surface of said cabinet including said opening and across said opening;

a sliding key that is fixed on the outside surface of said elastic sheet with at least a portion in said opening of said cabinet surface;

sensors that at least detect movement in a horizontal direction that is substantially parallel to said cabinet surface of said sliding key;

a displaying means that displays information; and

a first controlling means that executes first control corresponding to at least the moved direction of said sliding key in said horizontal direction as detected by said sensors.

23. A mobile terminal in accordance with claim 22, further comprising:

a pushing component, which is made of a material that is harder than said elastic sheet and whose friction factor is smaller than that of said elastic sheet, and which is disposed on the inside surface of said elastic sheet at a position corresponding to said sliding key;

a contact switch disposed adjacent to said pushing component that detects that said sliding key was pushed in a vertical direction that is substantially perpendicular to said cabinet surface; and

a third controlling means that executes third control when said pushing component made said contact switch work.

24. A mobile terminal in accordance with claim 22, wherein:

    said sensors detect the movement and the amount of the movement of said sliding key in said horizontal direction, and

    said first controlling means executes said first control corresponding to the moved direction and the amount of the movement of said sliding key.

25. A mobile terminal in accordance with claim 23, further comprising:

    a control stopping means that stops said third controlling means, in case that the amount of the movement in the horizontal direction of said sliding key is larger than a predetermined value.

26. A mobile terminal in accordance with claim 23, further comprising:

    a printed circuit board on which said contact switch is disposed; and  
    a sheet that covers said printed circuit board and said contact switch.

27. A mobile terminal in accordance with claim 22, wherein:

    said first controlling means executes the change of the position displaying a subject to be controlled on said displaying means.

28. A mobile terminal in accordance with claim 23, wherein:

said third controlling means executes the selection or the decision of information indicating by said subject to be controlled on said displaying means.

29. A mobile terminal in accordance with claim 22, wherein:

said sliding key has a rim part whose diameter is larger than that of said opening,

said sliding key is adhered to said elastic sheet at said rim part, and

a space is formed on a part of the inside surface of said cabinet at the position adjoining said opening part, and

said rim part of said sliding key is disposed in said space.

30. A mobile terminal, comprising:

a cabinet surface having an opening;

an elastic sheet having an outside surface disposed on an inside surface of said cabinet including said opening;

a surrounding key comprising a ring shape large than said opening that is fixed on an inside surface of said elastic sheet;

a sliding key that is fixed on the outside surface of said elastic sheet within at least a portion in said opening of said cabinet surface;

sensors that at least detect movement in a horizontal direction substantially parallel to said cabinet surface;

a displaying means that displays information;

a first controlling means that executes a first control corresponding to at least the horizontal movement of said sliding key; and

a second controlling means that executes a second control corresponding to the pushed direction of one of the edge parts of said surrounding key.

31. A mobile terminal in accordance with claim 30, further comprising:

a pushing component, which is made of a material that is harder than said elastic sheet and whose friction factor is smaller than that of said elastic sheet, and which is disposed on the inside surface of said elastic sheet at the position corresponding to said sliding key;

a contact switch disposed adjacent to said pushing component that detects that said sliding key was pushed in a vertical direction that is substantially perpendicular to said cabinet; and

a third controlling means that executes a third control when said pushing component made said contact switch work.

32. A mobile terminal in accordance with claim 30, wherein:

said sensors detect a moved direction and the amount of movement of said sliding key in the horizontal direction, and

said first controlling means executes said first control corresponding to the moved direction and the amount of the movement of said sliding key.

33. A mobile terminal in accordance with claim 31, further comprising:  
a control stopping means that stops said third controlling means, in case that the amount  
of the horizontal movement of said sliding key is larger than a predetermined value.

34. A mobile terminal in accordance with claim 31, further comprising:  
a printed circuit board on which said contact switch is disposed; and  
a sheet that covers at least a portion of said printed circuit board and said contact switch.

35. A mobile terminal in accordance with claim 30, wherein:  
said first controlling means and said second controlling means execute the change of the  
position displaying a subject to be controlled on said displaying means.

36. A mobile terminal in accordance with claim 31, wherein:  
said third controlling means executes the selection or the decision of information  
indicating by said subject to be controlled on said displaying means.

37. A mobile terminal in accordance with claim 30, wherein:  
said first controlling means executes the change of the position displaying a first subject  
to be controlled on said displaying means, and  
said second controlling means executes the change of the position displaying a second  
subject to be controlled on said displaying means.

38. A mobile terminal in accordance with claim 37, wherein:

    said third controlling means executes the selection or the decision of information indicating by said first or second subject to be controlled on said displaying means.

39. A mobile terminal in accordance with claim 30, wherein:

    said sliding key has a rim part whose diameter is larger than that of said opening ,  
    said sliding key is adhered to said elastic sheet at said rim part, and  
    a space is formed on a part of the inside surface of said opening, and  
    said rim part of said sliding key is disposed in said space.

40. A mobile terminal in accordance with claim 22 or 30, wherein:

    a magnet is disposed in said sliding key, and  
    said sensors detect the moved direction and the amount of the movement of said sliding key in said horizontal direction based on the change of the magnetic flux density from said magnet corresponding to the movement of said sliding key.

41. A mobile terminal in accordance with claim 40, wherein:

    said sliding key provides a concave part on a part of the surface where said sliding key is adhered to said elastic sheet, and

said sliding key is adhered to said elastic sheet by disposing said magnet in said concave part, and

said magnet is sealed in said sliding key.

42. A mobile terminal in accordance with claim 22 or 30, wherein:

guides being possible to be recognized optically are disposed on designated positions on said elastic sheet, and

said sensors detect the moved direction and the amount of the movement of said sliding key in said horizontal direction by reading the movements of said guides optically corresponding to the movement of said sliding key.

43. A mobile terminal in accordance with claim 22 or 30, wherein:

a coil is disposed in said sliding key, and

said sensors detect the moved direction and the amount of the movement of said sliding key in said horizontal direction based on the electromotive force generated by the electromagnetic induction by the movement of said sliding key in the magnetic field of designated power formed at the surrounding part of said coil.

44. A mobile terminal in accordance with claim 22 or 30, further comprising:

a bellows portion having a ring shape formed in said elastic sheet outside the position where said sliding key is adhered to said elastic sheet.

45. A mobile terminal in accordance with claim 22 or 30, further comprising:  
at least one of projections supporting said sliding key on the inside surface of said elastic sheet.

46. A mobile terminal in accordance with claim 22 or 30, further comprising:  
a concave part formed on the outside surface of said sliding key.

47. A mobile terminal in accordance with claim 22 or 30, further comprising:  
a nonskid component disposed on the outside surface of said sliding key.

48. A mobile terminal in accordance with claim 22 or 30, further comprising:  
one or more projections formed on the outside surface of said sliding key.

49. A mobile terminal in accordance with claim 22 or 30, further comprising:  
a plurality of openings in said cabinet surface; and  
a group of keys formed on the front surface of said elastic sheet and each disposed in a corresponding opening of said plurality of openings.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**EVIDENCE APPENDIX:**

Pursuant to 37 C.F.R. § 41.37(c)(1)(ix), submitted herewith are copies of any evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the Examiner and relied upon by Appellant in the appeal.

NONE.

APPEAL BRIEF UNDER 37 C.F.R. § 41.37  
U.S. Application No.: 10/623,568

Attorney Docket No.: Q76655

**RELATED PROCEEDINGS APPENDIX**

Submitted herewith are copies of decisions rendered by a court or the Board in any proceeding identified about in Section II pursuant to 37 C.F.R. § 41.37(c)(1)(ii).

NONE.

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q76655

Daisuke SUZUKI, et al.

Appln. No.: 10/623,568

Group Art Unit: 2629

Confirmation No.: 6560

Examiner: Seokyun MOON

Filed: July 22, 2003

For: INPUTTING DEVICE AND MOBILE TERMINAL

**SUBMISSION OF APPEAL BRIEF**

**MAIL STOP APPEAL BRIEF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of \$510.00 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/David P. Emery/

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Date: July 30, 2008